

Senate, No. 2120

[Senate, July 28, 2009– Substituted by amendment by the Senate (Ways and Means) for Senate, No. 406]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

AN ACT FURTHER REGULATING ANIMAL CONTROL

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

1 **SECTION 1.** Chapter 129 of the General Laws is hereby amended by inserting after
2 section 39F the following section:-

3 Section 39G. (a) A dog or cat brought or shipped into the commonwealth shall be
4 accompanied by an official health certificate issued by an accredited veterinarian, a copy of
5 which shall be sent to the commissioner of agricultural resources.

6 (b) An official health certificate shall mean a legible certificate or form issued by an
7 accredited veterinarian and approved by the chief livestock official of the state or county of
8 origin containing the name and address of the consignor and consignee. The certificate or form

9 shall also show age, sex, breed and description of each dog or cat and certify that the dog or cat
10 is free from visual evidence of infectious or contagious disease. The certificate or form shall
11 show proof of rabies vaccination within the previous 12 months. A dog or cat imported into the
12 commonwealth that is not currently vaccinated for rabies shall be vaccinated within 30 days of
13 entry or acquisition or upon reaching the age of 6 months.

14 (c) A dog or cat purchased within the commonwealth for resale by a commercial
15 establishment or pet shop shall be accompanied by a health certificate, issued by an accredited
16 veterinarian, which shall show age, sex, breed, and description of each dog or cat and certify
17 that the dog or cat is free from visual evidence of infectious or contagious disease.

18 (d) A commercial establishment, pet shop, firm or corporation shall not import into the
19 commonwealth for sale or resale in the commonwealth a cat or dog less than 8 weeks of age.

20 (e) A dog or cat sold in the commonwealth by a commercial establishment, pet shop,
21 firm or corporation shall be accompanied by a health record indicating the date and type of each
22 vaccine administered.

23 (f) Whoever is convicted of a violation of this section shall be punished by a fine of not
24 less than \$50 nor more than \$100 for each such offense. In addition thereto, or in lieu thereof,
25 the commissioner may, after notice and hearing, revoke or suspend a pet shop, kennel, and
26 boarding kennel license of a person, firm or corporation maintaining the pet shop, kennel and
27 boarding kennel for a violation of this section.

28 (g) A person, firm or corporation aggrieved by an order under this section may, by
29 petition, appeal within 30 days to the superior court where the person resides, or where the firm
30 or corporation is located. The person shall, in substance, state the findings by the commissioner

31 and the grounds of appeal and the court shall consider the proceedings de novo and the parties
32 thereto shall have right of exception and appeal.

33 **SECTION 2.** Chapter 140 of the General Laws is hereby amended by striking out
34 section 136A, as appearing in the 2008 Official Edition, and inserting in place thereof the
35 following section:-

36 Section 136A. The following words and phrases as used in sections 137 to 175,
37 inclusive, unless the context otherwise requires, shall have the following meanings:

38 “Adoption”, the delivery of a cat or dog to any person 18 years of age or older for the
39 purpose of harboring as a pet.

40 “Animal control officer”, an officer appointed under said sections to enforce the laws in
41 sections 137 to 175, inclusive.

42 “Commercial boarding or training kennel”, a kennel or establishment, other than an
43 animal shelter or animal control facility, used for boarding, holding, day care, overnight stays or
44 training during which the owner is not present, for a fee or consideration; provided, however,
45 that this shall not include dogs owned by the operator, grooming facilities holding dogs solely
46 for the purpose of grooming and not overnight boarding, individuals who temporarily, and not
47 in the normal course of business, board or care for animals owned by others, or a licensed pet
48 shop.

49 “Commercial breeder kennel”, an establishment, other than a personal kennel, engaged
50 in the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops
51 in return for consideration.

52 “Commissioner”, the commissioner of agricultural resources, except in section 174D,
53 where the commissioner shall mean the commissioner of public health.

54 “Department”, the department of agricultural resources.

55 “Domestic charitable corporation kennel”, a facility operated, owned, or maintained by a
56 domestic charitable corporation registered with the department, or an animal welfare society or
57 other nonprofit organization incorporated for the purpose of providing for and promoting the
58 welfare, protection and humane treatment of animals, including a veterinary hospital or clinic
59 operated by a licensed veterinarian, which operates for the above purpose in addition to
60 providing medical treatment and care.

61 “Keeper”, any person, corporation or society, other than the owner, harboring or having
62 in his possession any dog.

63 "Kennel", 1 pack or collection of dogs on a single premise, including a commercial
64 boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel,
65 personal kennel or veterinary kennel.

66 “License period”, the time during which a dog is licensed as determined by a city or
67 town.

68 “Live stock or fowls”, animals or fowls kept or propagated by the owner for food or as a
69 means of livelihood, deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridges
70 and other birds and quadrupeds determined by the department of fisheries, wildlife and
71 environmental law enforcement to be wild and kept by, or under a permit from, said department

72 in proper houses or suitable enclosed yards; provided, however, that such phrase shall not
73 include dogs, cats and other pets.

74 "Personal kennel", 1 pack or collection of more than 4 dogs 3 months old or over, owned
75 or kept by a person on a single premises, under 1 ownership, for private personal use; provided,
76 however, that breeding of personally owned dogs may take place for the purpose of improving,
77 exhibiting or showing the breed, use in sporting activity or other personal reasons; provided,
78 further, that selling, trading, bartering or the distribution of such breeding from a personal
79 kennel shall be to other breeders or individuals by private sale only and not to wholesalers,
80 brokers or pet shops; provided, further, that kennels in this category shall not sell, trade, barter
81 or distribute any dogs not bred from their personally owned dogs; provided, further, that dogs
82 temporarily housed at a personal kennel in conjunction with an animal shelter or rescue
83 registered with the department may be sold, traded, bartered or distributed as long as the transfer
84 is not made for the purpose of making a profit.

85 "Research institution", any institution operated by the United States or by the
86 commonwealth or a political subdivision thereof, or any school or college of medicine, public
87 health, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory or
88 biological laboratory, hospital or other educational or scientific establishment within the
89 commonwealth above the rank of secondary school, which, in connection with any of its
90 activities, investigates or gives instruction concerning the structure or functions of living
91 organisms or the causes, prevention, control or cure of diseases or abnormal conditions of
92 human beings or animals.

93 “Shelter”, a public animal control facility, or any other facility which is operated by any
94 organization or individual for the purpose of protecting animals from cruelty, neglect, or abuse.

95 “Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in
96 addition to medical treatment or care; provided, however, that this shall not apply to a hospital
97 or clinic used solely to house dogs that have undergone veterinary treatment, observation, or
98 will do so, only for the period of time needed to accomplish the needed veterinary care.

99 **SECTION 3.** Said chapter 140 is hereby further amended by striking out section 137,
100 as so appearing, and inserting in place thereof the following section:-

101 Section 137. (a) A dog over the age of 6 months shall be licensed by the owner or
102 keeper. The registering, numbering, describing and licensing of a dog, if kept in the city of
103 Boston shall be in the office of the police commissioner or if kept in any other town or city, in
104 the office of the town or city clerk thereof.

105 (b) A town or city clerk or, in the city of Boston, the police commissioner, shall not
106 grant a license for a dog unless the owner thereof provides the town or city clerk or, in the city
107 of Boston, the police commissioner, either a veterinarian's certification that the dog has been
108 vaccinated in accordance with section 145B, has been certified exempt from the provision as
109 hereinafter provided, or a notarized letter from a veterinarian that a certification was issued.

110 (c) The license shall be subject to the condition expressed therein that the dog which is
111 the subject of the license shall be controlled and restrained from killing, chasing or harassing
112 live stock or fowls. The owner of a dog may add no more than 10 words upon the license form
113 to indicate the color, breed, weight and special markings of the licensed dog. The owner or
114 keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of

115 leather or other suitable material, to which shall be securely attached a tag, and upon which
116 shall appear the license number, the name of the town issuing the license and the year of issue.
117 If the tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag
118 from the city or town clerk or, in the city of Boston, from the police commissioner, at a cost to
119 be determined by the city or town which, if received by a city or town clerk, shall be retained by
120 him unless otherwise provided by law. This section shall not apply where it is otherwise
121 provided by law, nor shall it apply to a person having a kennel license.

122 **SECTION 4.** Said chapter 140 is hereby further amended by striking out section 137A,
123 as so appearing, and inserting in place thereof the following section:-

124 Section 137A. (a) Every person maintaining a kennel shall have a kennel license. An
125 owner or keeper of less than 4 dogs, 3 months old or over, who does not maintain a kennel may
126 elect to secure a kennel license in lieu of licensing the dogs under section 137, and shall be
127 subject to this section and to sections 137B and 137C and to so much of section 141 as relates to
128 violations of this section to the same extent as though the owner or keeper were maintaining a
129 kennel. The city or town clerk, or the police commissioner of the city of Boston, shall issue
130 kennel licenses for kennels, as defined in section 136A, subsequent to an inspection by the
131 animal control officer.

132 b) The kennel license shall be in lieu of any other license for any dog while kept at the
133 kennel during any portion of the period for which the kennel license is issued. The holder of a
134 license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or
135 harness of leather or other suitable material, to which shall be securely attached a tag upon
136 which shall appear the number of the kennel license, the name of the city or town issuing the

137 license and the year of issue. The tags shall be furnished to the owner or keeper by the clerk of
138 the city or town in which the kennel is licensed, or, if licensed in the city of Boston, by the
139 police commissioner, in quantities not less than the number of dogs kept in the kennel. The fee
140 for each license for a kennel shall be determined by the city or town; but, for the purpose of
141 determining the amount of the fee for a kennel, a dog under the age of 6 months shall not be
142 counted in the number of dogs kept therein. The name and address of the owner of each dog
143 kept in a kennel, if other than the person maintaining the kennel, shall be kept at the kennel and
144 available to inspection by an animal control officer, natural resource officer, deputy natural
145 resource officer, fish and game warden or police officer.

146 (c) The clerk of a city or town or, in the city of Boston, the police commissioner, shall
147 upon application issue without charge a kennel license to a domestic charitable corporation
148 incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse
149 and for the relief of suffering among animals.

150 (d) The commissioner may promulgate rules and regulations for the licensing of
151 kennels and catteries.

152 **SECTION 5.** Section 137B of said chapter 140 , as so appearing, is hereby amended
153 by inserting after the word “town”, in lines 14 and 18, each time it appears, the following
154 words:- or city.

155 **SECTION 6.** Said chapter 140 is hereby further amended by striking out section 137C,
156 as so appearing, and inserting in place thereof the following section:-

157 Section 137C. The mayor of a city, the selectmen of a town, in Boston, the police
158 commissioner, a chief of police or an animal control officer may at any time inspect, or cause to

159 be inspected, a kennel. If, in the judgment of such person or body, the kennel is not being
160 maintained in a sanitary and humane manner, or if records are not properly kept as required by
161 law, such person or body shall by order revoke or suspend, and in case of suspension may
162 reinstate, such license. Upon the petition of 25 citizens, filed with the mayor of a city or the
163 selectmen of a town or, in Boston, with the police commissioner setting forth a statement that
164 such citizens are aggrieved or annoyed to an unreasonable extent by 1 or more dogs at a kennel
165 maintained in such city or town, due to excessive barking or dangerous disposition of the dogs
166 or other conditions connected with a kennel constituting a public nuisance, the mayor,
167 selectmen or police commissioner, as the case may be shall, within 7 days after the filing of the
168 petition, give notice to all parties in interest of a public hearing to be held within 14 days after
169 the date of such notice. The mayor, selectmen or police commissioner within 7 days after the
170 public hearing shall investigate or cause to be investigated the subject matter of the petition and
171 shall, by order, either suspend or revoke the kennel license or otherwise regulate the kennel, or
172 dismiss the petition. Written notice of an order under this section revoking, suspending or
173 reinstating a license shall be mailed forthwith to the officer issuing the license and to the holder
174 of the license. Within 10 days after the order the holder of the license may bring a petition in the
175 district court within the judicial district of which the kennel is maintained, addressed to the
176 justice of the court, praying that the order may be reviewed by the court. After notice to the
177 officer or officers involved as the court may consider necessary, the court shall review the
178 action, hear the witnesses and affirm the order unless it shall appear that it was made without
179 proper cause or in bad faith, in which case the order shall be reversed. The decision of the court
180 shall be final and conclusive upon the parties. A person maintaining a kennel after the license

181 has been so revoked, or while the license is suspended, shall be punished by a fine not more
182 than \$250.

183 **SECTION 7.** Said section 137D of said chapter 140 , as so appearing, is hereby further
184 amended by striking out, in line 15, the word “two” and inserting in place thereof the following
185 figure:- 5.

186 **SECTION 8.** Section 138 of said chapter 140 , as so appearing, is hereby amended by
187 inserting after the word “town” , in lines 2 and 3, the following words:- or city.

188 **SECTION 9.** Said section 138 of said chapter 140 , as so appearing, is hereby further
189 amended by striking out, in line 9, the word “three” and inserting in place thereof, in each
190 instance, the following figure:- 6.

191 **SECTION 10.** Said section 138A of said chapter 140 is hereby repealed.

192 **SECTION 11.** Said chapter 140 is hereby further amended by striking out section 139,
193 as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

194 Section 139. (a) The fee for every license shall, except as otherwise provided, be
195 determined by a city or town, provided this fee is not less than \$6 for a spayed or neutered dog
196 and not more than \$50 for an intact dog, 3 dollars of which shall be a surcharge which shall be
197 deposited in the General Fund. A portion of this amount, subject to appropriation, shall be used
198 by the commissioner for the purpose of animal control and spaying and neutering programs.
199 The department shall establish rules and regulations relating to the spay/neuter program to
200 distribute these funds in an effective manner targeting low-income pet owners and feral cats.

201 (b) If a certificate of a registered veterinarian who spayed or neutered a dog has been
202 shown to the city or town clerk, the license fee shall be lower than that of an intact animal. If the
203 city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the
204 dog cannot be obtained, the clerk may accept instead a statement signed under the penalties of
205 perjury by a veterinarian registered and practicing in the commonwealth, describing the dog and
206 stating that the veterinarian has examined the dog, which appears to have been spayed or
207 neutered and thereby deprived of the power of propagation or a receipt of a bill from the
208 veterinarian who performed the operation.

209 (c) A fee shall not be charged for a license for a dog specially trained to lead or serve a
210 blind person; provided, however, that the Massachusetts commission for the blind certifies that
211 the dog is so trained and actually in the service of a blind person. A fee shall not be charged for
212 a license for a dog owned by a person aged 70 years or over in any city or town that accepts this
213 provision. A fee shall not be charged for a license for a dog professionally trained in the hearing
214 dog business to serve a deaf person; provided, however, that the director of the office the
215 Massachusetts commission for the deaf and hard of hearing certifies that the dog is so trained
216 and actually in the service of the deaf person. The Massachusetts office on disability shall adopt
217 rules and regulations for the licensing of service dogs and a fee shall not be charged for a
218 license for a dog recognized as a service dog. A license fee or part thereof shall not be refunded
219 because of the subsequent death, loss, spaying, or removal from the commonwealth or other
220 disposal of the dog, nor shall a license fee or part thereof paid by mistake be paid or recovered
221 back after it has been paid over to a city or town under section 147.

222 **SECTION 12.** Section 139A of said chapter 140, as so appearing, is hereby amended,
223 in line 2, by inserting after the word “unless” the following words:- a written agreement is
224 entered into and.

225 **SECTION 13.** Said section 139A of said chapter 140, as so appearing, is hereby further
226 amended by striking out, in lines 2 and 3, the words “ten nor more than thirty dollars” and
227 inserting in place thereof the following figure:- \$40.

228 **SECTION 14.** Said section 139A of said chapter 140, as so appearing, is hereby further
229 amended by adding the following paragraph:-

230 The commissioner may set fines for violations and may further establish regulations to
231 ensure compliance with this section. Additionally, an animal control officer, an officer licensed
232 under section 57 of chapter 22C, a police officer or an animal shelter from which an animal was
233 obtained may bring a petition in the district court within the judicial district of which the dog or
234 cat is owned or kept for an action of forfeiture and relinquishment of ownership. Legal fees or
235 court costs incurred in the enforcement of this section shall be the responsibility of the owner of
236 the animal.

237 **SECTION 15.** Chapter 140 is hereby further amended by striking out section 141, as so
238 appearing, and inserting in place thereof the following section:-

239 Section 141. Whoever violates any provision of sections 137, 137A, 137B or 138 shall
240 forfeit not less than \$50, which shall be paid to the city or town. If the dog as to which such
241 violation occurs was unlicensed at the time of such violation, the court shall impose the
242 forfeiture provided herein.

243 **SECTION 16.** Section 145 of said chapter 140, as so appearing, is hereby amended by
244 striking out, in lines 3 and 4, the words “to the director of accounts upon application therefor”.

245 **SECTION 17.** Section 145A of said chapter 140, as so appearing, is hereby amended
246 by striking out, in lines 11 to 30, inclusive, the words “A city or town so furnishing vaccine and
247 treatment shall be reimbursed for the cost thereof, not exceeding fifty dollars in the case of any
248 one person, from the dog fund of the county in which is situated the city or town where the
249 person treated was exposed to rabies, except that if such exposure occurred in Suffolk county
250 such reimbursement shall be made by the city or town where such person was exposed to rabies,
251 and except that if such vaccine and treatment are given by the board of health of a city or town
252 because of a bite by or other exposure to rabies from a dog required to be licensed therein, the
253 city or town shall not be so reimbursed, unless such dog is licensed at the time of such bite or
254 other exposure. No such reimbursement shall include any part of the salary of a salaried city or
255 town physician. The county commissioners of all counties except Suffolk, acting jointly, or the
256 county commissioners of each county, except Suffolk, shall contract for the supplying of such
257 vaccine to the several cities and towns on the order of their respective boards of health, and
258 shall, from time to time, notify said boards of the terms and conditions of contracts made
259 hereunder. No city or town for which a supply of such vaccine is provided by a contract as
260 aforesaid shall be reimbursed hereunder for any such vaccine not purchased under such
261 contract.”

262 **SECTION 18.** Section 145B of said chapter 140, as so appearing, is hereby amended
263 by striking out, in lines 1, 2, 5, 10, 18, 19, 25 and 28 the words “dog or cat”, each time they
264 appear, and inserting in place thereof, in each instance, the following words:- dog, cat or ferret.

265 **SECTION 19.** Said section 145B of said chapter 140, as so appearing, is hereby further
266 amended by striking out, in line7, the word “ninety” and inserting in place thereof the
267 following figure:- 30.

268 **SECTION 20.** Said section 145B of said chapter 140, as so appearing, is hereby further
269 amended by striking out, in lines 6 and 31, the words “dogs or cats”, each time they appear,
270 and inserting in place thereof, in each instance, the following words:- dogs, cats or ferrets.

271 **SECTION 21.** Said section 145B of said chapter 140, as so appearing, is hereby further
272 amended by striking out, in line 34, the words “more than fifty dollars” and inserting in place
273 thereof the following words:- more than \$100.

274 **SECTION 22.** Said section 145B of said chapter 140, as so appearing, is hereby
275 amended by inserting after the third paragraph the following paragraph:-

276 A licensing official may grant an exemption to this section for any dog, cat or ferret;

277 (a) which has not yet attained the age of 6 months;

278 (b) which the local board of health, for a specified period of time, declared exempt upon
279 presentation of a veterinarian’s certificate stating that because of an infirmity, other physical
280 condition or regimen of therapy, that inoculation is thereby considered inadvisable;

281 (c) in transit; or

282 (d) brought into the commonwealth, temporarily, for the sole purpose of showing in
283 shows or for exhibition.

284 **SECTION 23.** Section 146 of said chapter 140, as so appearing, is hereby amended by
285 inserting after the word “town” , in line 5, the following words: - or city.

286 **SECTION 24.** Said section 146 of said chapter 140, as so appearing, is hereby further
287 amended by striking out, in line 8, the words “twenty-five cents” and inserting in place thereof
288 the following words:- an amount to be determined by the city or town.

289 **SECTION 25.** Said chapter 140 is hereby further amended by striking out section 147,
290 as so appearing, and inserting in place thereof the following section:-

291 Section 147. The police commissioner of the city of Boston and the clerks of other cities
292 and of towns shall issue said licenses and tags, receive the money thereof and pay it into the
293 treasuries of their respective cities and towns on the first Monday of each month or more often.
294 The clerks of cities and towns except the city of Boston may retain for their own use 75 cents
295 for each license unless otherwise provided by law, and shall certify under penalties of perjury to
296 the amounts of money thus received and paid over by said clerks. The police commissioner of
297 the city of Boston and each city or town clerk shall make a record of the name of the owner or
298 keeper of each dog licensed, and of the name, registered number and description of each such
299 dog, and such records shall be open to public inspection during the usual office hours of the city
300 or town clerk. All blanks for the licenses and tags and the record books shall be paid for out of
301 the city or town treasury. The police commissioner of the city of Boston and any city or town
302 clerk or city or town treasurer violating this section shall be punished by a fine of not less than
303 \$50 nor more than \$500 or by imprisonment for not less than 1 month nor more than 1 year, or
304 both. If a city or town clerk neglects or fails to pay the money into the city or town treasury as
305 required by this section, the city or town may recover the amount thereof for the benefit of the

306 city or town, with all damages sustained through the neglect or failure, and interest, in an action
307 on the official bond required, in the case of a city clerk, by section 13A of chapter 41 and, in the
308 case of a town clerk, by section 13 of said chapter 41. All payments required under this section
309 shall be subject to section 52 of said chapter 41.

310 **SECTION 26.** Said chapter 140 is hereby further amended by striking out section
311 147A, as so appearing, and inserting in place thereof the following section:-

312 Section 147A. (a) A city or town may enact by-laws and ordinances relative to the
313 regulation of dogs and cats; provided, however, that such by-law or ordinance shall not be
314 inconsistent with the provisions of sections 137 to 174D.

315 **SECTION 27.** Section 147B of said chapter 140 is hereby repealed.

316 **SECTION 28.** Section 149 of said chapter 140, as appearing in the 2008 Official
317 Edition, is hereby amended by striking out, in line 1, the words “county, city or town treasurer,
318 except in Suffolk county,” and inserting in place thereof the following words:-city or town
319 treasurer.

320 **SECTION 29.** Said section 149 of said chapter 140, as so appearing, is hereby further
321 amended by striking out, in line 4, the word “dogs” and inserting in place thereof the following
322 word:- animals.

323 **SECTION 30.** Section 150 of said chapter 140, as so appearing, is hereby amended by
324 striking out the first sentence and inserting in place thereof the following sentence:- Persons
325 authorized or directed by section 4 of chapter 51 or by any special law to make lists of residents
326 3 years of age or older shall make a list of all dogs owned by the inhabitants at the time of

327 making lists required under such section and return the same in duplicate to the city or town
328 clerk, or, in the city of Boston, to the police commissioner annually.

329 **SECTION 31.** Said section 150 of said chapter 140, as so appearing, is hereby further
330 amended by striking out, in lines 8 and 9, the words “ten dollars” and inserting in place thereof
331 the following figure:- \$20.

332 **SECTION 32.** Said section 150 of said chapter 140, as so appearing, is hereby further
333 amended by striking out, in lines 9 and 10, the words “except in Suffolk county shall be paid
334 into the county treasury” and inserting in place thereof the following words:- shall be paid to
335 the city or town.

336 **SECTION 33.** Said chapter 140 is hereby further amended by striking out section 151,
337 as so appearing, and inserting in place thereof the following section:-

338 Section 151. (a) The mayor of each city and the board of selectmen of each town
339 shall annually designate 1 or more animal control officers, who may be police officers or
340 constables. The mayor or board of selectmen shall forthwith submit to the commissioner the
341 names and addresses of the officers. Except as hereinafter otherwise provided, if any city or
342 town shall fail to make the appointment, the commissioner shall appoint an animal control
343 officer for that city or town. An animal control officer who fails to comply with the terms of the
344 officer’s warrant shall forthwith be removed from office by the mayor or board of selectmen,
345 and notice of the removal shall forthwith be given to the commissioner. Animal control officers
346 shall, before engaging in execution of animals, have completed under the supervision of a
347 veterinarian registered under section 55 or 56C of chapter 112 a course of instruction in humane
348 techniques for the execution of animals. Each animal control officer before disposing of any dog

349 or cat in the officer's possession shall check its description against the descriptions within the
350 city or town issued on dogs licensed, or cats licensed or registered if the city or town licenses or
351 registers cats. Bills for such services shall be approved by the mayor of the city or the board of
352 selectmen of the town in which the dogs or cats are kept or killed and shall be paid by the city or
353 town. Each animal control officer appointed under this section shall also attend to all complaints
354 or other matters pertaining to animals, as prescribed by their respective city or town, in addition
355 to the duties imposed upon the officer by the officer's warrant, and shall be paid for the services
356 by the town or city treasurer upon bills approved by the mayor or by the board of selectmen.
357 The mayor of any city or the board of selectmen of any town may, instead of appointing animal
358 control officers, enter into a contract with a domestic charitable corporation incorporated
359 exclusively for the purpose of protecting animals from cruelty, neglect or abuse, to perform the
360 duties required of animal control officers. In that case the payments to the corporation under the
361 terms of the contract shall be in full for all services rendered by it in that capacity.

362 (b) An animal control officer shall not be a licensed animal dealer registered with the
363 United States Department of Agriculture, and an animal control officer, either privately or in the
364 course of carrying out such officer's official assignments as an agent for the officer's
365 municipality, shall not give, sell, or turn over any animal which may come into the officer's
366 custody to any business or institution licensed or registered as a research facility or animal
367 dealer with the United States Department of Agriculture. A municipality shall not give, sell, or
368 turn over any animal which may come into its custody to any business or institution licensed or
369 registered as a research facility or animal dealer with the United States Department of
370 Agriculture. Whoever violates this paragraph shall be punished by a fine of not more than
371 \$1000.

372 **SECTION 34.** Said chapter 140 is hereby further amended by striking out section
373 151A, as so appearing, and inserting in place thereof the following section:-

374 Section 151A. (a) The mayor or board of selectmen shall annually issue a warrant to
375 the animal control officer or officers directing the officer or officers to seek out, catch and
376 confine all dogs within the city or town which then have not been licensed, collared or
377 harnessed, and tagged, as required by this chapter, and to enter and prosecute a complaint for
378 failure to comply with this chapter against the owners or keepers thereof, if known, and to kill
379 or cause to be killed only by a humane method of euthanasia in accordance with the guidelines
380 of the American Veterinary Medical Association, and not as prohibited in section 174A, except
381 by gunshot in case of emergency, each such dog which after being detained by or for the officer
382 for a period of 7 days shall not have been licensed, collared or harnessed, and tagged; provided,
383 however, that after 7 days, the animal control officer may make available for adoption a dog
384 not found to be diseased, for a sum not less than \$10 and shall keep an account of all moneys
385 received by such officer for the adoption and shall forthwith pay over the sums to the treasurer
386 who shall forward the money to the city or town. Before delivery of a dog so adopted the animal
387 control officer shall require the purchaser to show identification and to procure a license and tag
388 for the dog from the clerk of the city or town where the dog is to be kept. Dogs confined under
389 authority of this section shall be confined in a place suitable for the detention and care of dogs
390 and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel
391 license or of a domestic charitable corporation incorporated exclusively for the purpose of
392 protecting animals from cruelty, neglect or abuse. The commissioner from time to time shall
393 cause the places to be inspected and shall make necessary orders in relation thereto. An animal
394 control officer having custody of a confined dog or cat shall be allowed a sum determined by

395 the city or town per day for the care of the dog or cat, payable by the owner or keeper, if known,
396 otherwise by the city or town.

397 (b) Every animal control officer shall make, keep, and maintain systems of records or
398 forms which fully and correctly disclose the following information concerning each animal in
399 the officer's custody:

400 (1) the date and location of each apprehension;

401 (2) a description of each animal;

402 (3) the place of confinement;

403 (4) if tagged, the name and address of the owner of such animal;

404 (5) the name and address of the new owner, including the date of sale or transfer
405 of such animal; and

406 (6) if the animal is destroyed, the animal control officer shall record the method
407 and date of destruction and the name of the person who executed the animal.

408 Every animal control officer shall forward a copy of the record to the town or city clerk within
409 30 days. Copies of the record shall, for 2 years, be kept in the offices of the city or town clerk
410 where such animal control officer is employed.

411 **SECTION 35.** Section 151B of said chapter 140, as so appearing, is hereby amended
412 by striking out, in line 5, the words "dog fund of the".

413 **SECTION 36.** Said section 151B of said chapter 140, as so appearing, is hereby further
414 amended by striking out, in line 5, the word “county” and inserting in place thereof the
415 following words:- city or town.

416 **SECTION 37.** Said section 151B of said chapter 140, as so appearing, is hereby further
417 amended by striking out, in line 6, the words “in an amount not to exceed twenty dollars” and
418 inserting in place thereof the following words:- of up to \$250.

419 **SECTION 38.** Said section 151B of said chapter 140, as so appearing, is hereby further
420 amended by striking out, in line 12, the words “dog officer” and inserting in place thereof the
421 following words:- animal control officer.

422 **SECTION 39.** Said section 151B of said chapter 140, as so appearing, is hereby
423 amended by striking out, in line 13, the word “dog” and inserting in place thereof the following
424 words:- animal control.

425 **SECTION 40.** Said chapter 140 is hereby further amended by inserting after section
426 151B the following section: -

427 Section 151C. Within 1 year of hire, an animal control officer shall complete a training
428 course offered or approved by the Animal Control Officers Association of Massachusetts or the
429 commissioner.

430 **SECTION 41.** Section 152 of said chapter 140, as so appearing, is hereby amended by
431 striking out, in line 1, the word “dog” and inserting in place thereof the following words:-
432 animal control.

433 **SECTION 42.** Said section 152 of said chapter 140, as so appearing, is hereby further
434 amended by inserting, in line 6, after the word “dogs” the following words:- and cats.

435 **SECTION 43.** Said section 152 of said chapter 140, as so appearing, is hereby
436 amended by striking out, in line 10, the word “dogs” and inserting in place thereof the following
437 word:- animals.

438 **SECTION 44.** Section 153 of said chapter 140, as so appearing, is hereby amended by
439 striking out, in line 2, the words “except Suffolk county,”.

440 **SECTION 45.** Said section 153 of said chapter 140, as so appearing, is hereby further
441 amended by striking out, in lines 13 to 18, inclusive, the words “by methods of execution other
442 than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the
443 control of the federal Drug Enforcement Administration, unless by a veterinarian,
444 succinylcholine choline, any drugs that have curariform-like action, electrocution, or any other
445 method which causes an unnecessarily cruel death” and inserting in place thereof the following
446 words:- only by a humane method of euthanasia in accordance with the guidelines of the
447 American Veterinary Medical Association, and not as prohibited in section 174A, except by
448 gunshot in case of emergency.

449 **SECTION 46.** Said section 153 of said chapter 140, as so appearing, is hereby further
450 amended by striking out, in line 18, the words “ten days” and inserting in place thereof the
451 following words:- 7 days.

452 **SECTION 47.** Said section 153 of said chapter 140, as so appearing, is hereby further
453 amended by striking out, in line 20, the words “male or any spayed female”.

454 **SECTION 48.** Said section 153 of said chapter 140, as so appearing, is hereby further
455 amended by striking out, in line 21, the words “three dollars” and inserting in place thereof the
456 following figure:- \$6.

457 **SECTION 49.** Said section 153 of said chapter 140, as so appearing, is hereby further
458 amended by inserting, in line 34, after the word “dogs” the following words:- and cats.

459 **SECTION 50.** Said section 153 of said chapter 140, as so appearing, is hereby further
460 amended by striking out, in line 41, the words, “nineteen hundred” and inserting in place thereof
461 the following words:- two thousand.

462 **SECTION 51.** Said section 153 of said chapter 140, as so appearing, is hereby further
463 amended by striking out, lines 43 to 83, inclusive, the words “In the cities and towns of Suffolk
464 county such warrant may be in the following form:

465 COMMONWEALTH OF MASSACHUSETTS

466 (Seal)

467, ss.

468 To _____, constable of the city (or town) of _____

469 In the name of the commonwealth of Massachusetts, you are hereby required to proceed
470 forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed,
471 collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty
472 of the General Laws, and you are further required to make and enter complaint against the
473 owner or keeper of every such dog, and to kill or cause to be killed by methods of execution
474 other than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not

475 under the control of the federal Drug Enforcement Administration, unless by a veterinarian,
476 succinylcholine choline, any drugs that have a curariform-like action, electrocution, or any other
477 method which causes an unnecessarily cruel death each such dog which, after being detained for
478 a period of seven days, shall not then have been duly licensed, collared or harnessed, except that
479 any male or any spayed female dog not found to be diseased may be made available for
480 adoption for not less than three dollars, and you shall keep an account of any such sale and
481 forthwith pay over the money to the town treasurer. Before delivery of any dog so adopted you
482 shall require the purchaser to show identification and to register and procure a license and tag
483 for such dog from the town clerk of the town where the dog is to be kept, in accordance with the
484 provisions of section one hundred and thirty-seven of said chapter one hundred and forty of the
485 General Laws.

486 Hereof fail not, and make due return of this warrant with your doings therein, on or
487 before the first day of October next, on or before the first day of January next, and on or before
488 the first day of April next, and at the expiration of your term of office, stating the number of
489 dogs caught, confined and/or killed, or adopted, and the names of the owners or keepers thereof,
490 and whether all unlicensed dogs in said city (or town) have been caught, confined and/or killed,
491 or adopted, and the names of persons against whom complaints have been made under the
492 provisions of said chapter one hundred and forty, and whether complaints have been made and
493 entered against all the persons who have failed to comply with the provisions of said chapter
494 one hundred and forty.

495 Given under my hand and seal at ____ aforesaid the ____ day of ____ in the year nineteen
496 hundred and ____

497 Mayor of (or Chairman of the Selectmen of)”

498 **SECTION 52.** Said chapter 140 is hereby further amended by striking out section 157,
499 as so appearing, and inserting in place thereof the following section:-

500 Section 157. For the purposes of sections 157A to 157C, inclusive, the following words
501 shall have the following meanings, unless the context clearly requires otherwise: -

502 “Attack”, aggressive physical contact initiated by a dog.

503 “Dangerous dog”, a dog that, without justification, attacks a person or domestic animal
504 causing physical injury or death, or behaves in a manner that a reasonable person would believe
505 poses an unjustified imminent threat of physical injury or death to 1 or more persons, domestic
506 or owned animals; provided, however, that a dog shall not be considered dangerous if:

507 (1) the dog was protecting or defending a person within the immediate
508 vicinity of the dog from an attack or assault;

509 (2) at the time of attack or threat, the attacked or threatened person was
510 committing a crime or offense upon the person or property of the owner, or custodian, of
511 the dog;

512 (3) the person attacked or threatened was teasing, tormenting, abusing,
513 assaulting, or stealing the dog;

514 (4) the dog was attacked or menaced by another domestic animal, or the
515 domestic animal was on the property of the owner or custodian of the dog; or

(5) the dog was responding to pain or injury, or protecting itself, its kennels or its offspring; provided, further, that a dog's breed shall not be considered in determining whether a dog is dangerous; provided, further, that a dog shall not be considered dangerous based exclusively on growling, barking, or both.

"Domestic animal", an animal commonly kept as a pet in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits, hamsters and animals commonly kept for companion or commercial purposes.

SECTION 53. Said chapter 140 is hereby further amended by inserting after section 157 the following 3 sections:-

Section 157A. (a) If a person makes a complaint in writing to the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or the chief or commissioner's designee or the person charged with the responsibility of handling dog complaints of a town or city, that any dog owned or considered within the jurisdiction of the selectman, mayor, officer, chief, commissioner, chief or commissioner's designee or person charged with the responsibility of handling dog complaints is a dangerous dog or a nuisance dog by reason of a dangerous disposition, excessive barking or other disturbance, the selectman, mayor, officer, chief, commissioner, chief or commissioner's designee or person charged with the responsibility of handling dog complaints shall investigate, or cause to be investigated, the complaint, including an examination under oath of the complainant at a public hearing in the city or town in which the complaint occurred to determine whether the dog engaged in such behavior as to be deemed dangerous under section 157B or that the dog constitutes a nuisance by reason of dangerous disposition, excessive

538 barking or other disturbance. If, after a public hearing, the dog is considered dangerous or a
539 nuisance, the officials presiding over the hearing may make an order concerning the dog. Based
540 on the evidence and testimony presented at the public hearing, the selectmen of a town, mayor
541 of a city, the officer in charge of the animal commission, the chief or commissioner of a police
542 department or the chief or commissioner's designee or the person charged with the
543 responsibility of handling dog complaints of a town or city or the district court may order a
544 dangerous dog humanely restrained, confined or subject to conditions in section 157C, or
545 euthanized.

546 (b) Within 10 days after the order, the owner or keeper of the dog may bring a petition in
547 the district court within the judicial district of which the dog is owned or kept, addressed to the
548 justice of the court, praying that the order be reviewed by the court, or magistrate thereof, and
549 after notice to the officer or officers involved as the magistrate considers necessary the
550 magistrate shall review the action, hear the witnesses and affirm the order unless it shall appear
551 that it was made without proper cause or in bad faith, in which case the order shall be reversed.
552 A party shall have the right to request a de novo hearing on the petition before a justice of the
553 court. The decision of the court shall be final and conclusive upon the parties.

554 (c) The act of a dog in attacking or biting another dog or other domesticated or exotic
555 animal, or livestock, may be made the subject of a complaint under this section.

556 (d) The selectmen of a town, mayor of a city, the officer in charge of the animal
557 commission, the chief or commissioner of a police department or the chief or commissioner's
558 designee or the person charged with the responsibility of handling dog complaints of a town or
559 city may petition the local district court to request to hold and impound the dangerous dog in a

560 humane place of detention during an appeal by the owner or custodian of that dog for the further
561 safety and protection of the public or other animals. If a court affirms the order of euthanasia,
562 the owner or keeper of the dog shall reimburse the city or town for all reasonable costs that the
563 dog incurs for housing and care during its impoundment and throughout the appeals process.
564 Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog
565 resides on behalf of the organization or entity charged with the responsibility of handling dog
566 complaints and impoundment by 1 of the following methods:

567 (1) a lien on any property owned by the aforementioned owner or keeper of the
568 dog;

569 (2) an additional, earmarked charge to appear on the vehicle excise tax of the
570 owner or keeper; or

571 (3) a direct bill sent to the owner or keeper of the dog.

572 All funds recovered by the municipality shall be transferred to the organization or entity
573 charged with the responsibility of handling dog complaints and impoundment. If the
574 organization or entity falls under the management or direction of the municipality, costs
575 recovered shall be distributed under the discretion of the municipality.

576 If the court overturns the order of destruction, the city or town shall pay all reasonable
577 costs that the dog incurred for housing and care during its impoundment and throughout the
578 appeals process.

579 (e) Magistrates shall exercise their authority hereunder subject to the limitations of
580 section 62C of chapter 221.

581 Section 157B. (a) A person owning or harboring a dog who fails to comply with an
582 order of the selectmen of a town, mayor of a city, the officer in charge of the animal
583 commission, the chief or commissioner of a police department or the chief or commissioner's
584 designee or the person charged with the responsibility of handling dog complaints of a town or
585 city or district court, including failure to comply with an order issued under sections 157A or
586 157C, shall be punished by (1) a fine of not more than \$500 or imprisonment for not more than
587 60 days, or both, for the first offense and (2) not more than \$1,000 or imprisonment for not
588 more than 90 days, or both, for a second or subsequent offense.

589 (b) If a person is found in violation of an order issued under section 157A or 157C, the
590 dog shall be subject to seizure by the selectmen of a town, mayor of a city, the officer in charge
591 of the animal commission, the chief or commissioner of a police department or the chief or
592 commissioner's designee or the person charged with the responsibility of handling dog
593 complaints of a town or city. The person shall be ordered to immediately surrender to the
594 licensing authority of a city or town the license and tags that they may possess and shall be
595 banned from licensing any dog within the commonwealth for 5 years. The selectmen of a town,
596 mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a
597 police department or the chief or commissioner's designee or the person charged with the
598 responsibility of handling dog complaints of a town or city making such determination that a
599 dog is dangerous, or a nuisance under section 157A shall report the violations to the city or
600 town within 30 days.

601 Section 157C. (a) The selectmen of a town, mayor of a city, the officer in charge of the
602 animal commission, the chief or commissioner of a police department or the chief or
603 commissioner's designee or the person charged with the responsibility of handling dog

604 complaints of a town or city, or the district court may order 1 or more of the following
605 conditions for a dog considered dangerous under section 157A. The orders shall be valid
606 throughout the commonwealth and may state that:

607 (1) a dangerous dog shall be confined to the premises of the person owning or harboring
608 or having care or custody of the dog; provided, however, that a dangerous dog shall be
609 unconfined if the dog is not securely confined indoors or confined outdoors in a securely
610 enclosed and locked pen or dog run area upon the premises of said person; provided, further,
611 that the pen or dog run must have a secure top and if the structure has no bottom secured to the
612 sides, the sides must be embedded into the ground no less than 2 feet; provided, further, that
613 there must also be within the confines of the pen or dog run a doghouse or proper shelter from
614 the elements for the protection of the dog; provided, further, that no dangerous dog shall be
615 chained, tethered, or otherwise tied to any inanimate object, such as a tree, post, or building
616 outside of its enclosure;

617 (2) when off the premises of the owner or person harboring a dangerous dog, the dog
618 must be securely and humanely muzzled and restrained with a chain or other tethering device
619 having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

620 (3) the person owning or harboring or having the care or custody of any dog deemed to
621 be dangerous shall maintain a policy of insurance in an amount not less than \$100,000 insuring
622 that person against any claim, loss, damage or injury to persons, domestic animals, or property
623 resulting from the acts, whether intentional or unintentional, of the dangerous dog; provided,
624 however, that such person shall produce evidence of such insurance upon request of the
625 selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief

626 or commissioner of a police department or the chief or commissioner's designee or the person
627 charged with the responsibility of handling dog complaints of a town or city or district court;

628 (4) an owner shall provide certain permanent identification of dogs determined
629 dangerous as reasonably necessary to identify such dog throughout its lifetime including, but
630 not limited to, photographs, videos, veterinary examination, tattooing or microchip
631 implantations; and

632 (5) a dog which has been deemed dangerous shall not remain reproductively intact;
633 provided, however, that the animal shall be exempt from such an order if a veterinarian certifies
634 in writing that the animal is unfit for alterations because of medical conditions.

635 (b) No person shall transfer ownership or possession, or offer for sale, breed, or
636 buy or attempt to buy within the commonwealth any dog considered dangerous.

637 (c) The selectmen of a town, mayor of a city, the officer in charge of the animal
638 commission, the chief or commissioner of a police department or the chief or
639 commissioner's designee or the person charged with the responsibility of handling dog
640 complaints of a town or city, or the district court may make other orders as considered
641 necessary, including, upon probable cause to believe a dangerous dog is being owned,
642 harbored or cared for in violation of this section, an order concerning the restraint of the
643 dog as considered necessary pending required hearings or trials.

644 (d) A dog considered dangerous shall not be ordered to be removed from the
645 town or city limits in which the animal resides. A city or town may impose a more
646 restrictive program for the control of dangerous dogs; provided, however, that a program
647 shall not regulate dogs in a manner that is specific as to breed.

648 (e) No minor may own or have charge or custody of a dog considered dangerous
649 under section 157A; provided, however, that the parent or guardian of the minor shall be
650 responsible for compliance with this section.

651 **SECTION 54.** Section 158 of said chapter 140, as appearing in the 2008 Official
652 Edition, is hereby amended by striking out, in line 1, the words “dog officer shall kill” and
653 inserting in place thereof the following words:- animal control officer may capture, confine or,
654 in the case of a threat to public safety, kill.

655 **SECTION 55.** Said section 158 of said chapter 140, as so appearing, is hereby further
656 amended by inserting after the word “dog”, in line 2, the following words:- , in a humane
657 manner,.

658 **SECTION 56.** Said section 158 of said chapter 140, as so appearing, is hereby further
659 amended by striking out, in lines 2 and 3, the words “or the county commissioners,”.

660 **SECTION 57.** Said section 158 of said chapter 140, as so appearing, is hereby further
661 amended by inserting after the word “dog” , in line 5, the following words:- , in a humane
662 manner, .

663 **SECTION 58.** Section 159 of said chapter 140, as so appearing, is hereby amended by
664 striking out, in line 2, the words “or the county commissioners,”.

665 **SECTION 59.** Section 160 of said chapter 140, as so appearing, is hereby amended by
666 striking out, in line 1, the words “county commissioners of any county, the”.

667 **SECTION 60.** Said section 160 of said chapter 140, as so appearing, is hereby further
668 amended by inserting after the word “dog”, in line 5, the following words:- in a humane
669 manner.

670 **SECTION 61.** Said section 160 of said chapter 140, as so appearing, is hereby further
671 amended by striking out, in line 8, the words “approved by the county commissioners,”.

672 **SECTION 62.** Said section 160 of said chapter 140, as so appearing, is hereby further
673 amended by striking out, in lines 11 and 12, the words “, chief of police or county
674 commissioners, as the case may be, or his or their agents” and inserting in place thereof the
675 following:- or chief of police, as the case may be, or the agent of the selectmen or chief.

676 **SECTION 63.** Said section 160 of said chapter 140, as so appearing, is hereby further
677 amended by striking out, in line 14, the words “town where the said” and inserting in place
678 thereof the following words:- town or city where the.

679 **SECTION 64.** Section 161 of said chapter 140, as so appearing, is hereby amended by
680 striking out, in lines 10 and 11, the words “fifty dollars” and inserting in place thereof, in each
681 instance, the following figure:- \$100.

682 **SECTION 65.** Said section 161 of said chapter 140, as so appearing, is hereby further
683 amended by striking out, in line 20, the words “except in Suffolk county”.

684 **SECTION 66.** Said section 161 of said chapter 140, as so appearing, is hereby further
685 amended by striking out, in line 20, the words “of the county” and inserting in place thereof the
686 following words:- of the city or town .

687 **SECTION 67.** Said section 161 of said chapter 140, as so appearing, is hereby further
688 amended by striking out, in line 22, the words “county commissioners” and inserting in place
689 thereof the following words:- city or town clerk.

690 **SECTION 68.** Said section 161 of said chapter 140, as so appearing, is hereby further
691 amended by striking out, in line 27, the word “county” and inserting in place thereof the
692 following words:- city or town.

693 **SECTION 69.** Said section 161 of said chapter 140, as so appearing, is hereby further
694 amended by striking out, in lines 28 to 34, inclusive, the words “except in Suffolk county, shall
695 pay all orders drawn upon him in full, for the above purpose, and for the expenses of appraisal
696 out of any money in the county treasury, and payments made therefor shall be charged to the
697 dog fund. The appraisers shall receive from the county three dollars each for every such
698 examination made by them, and also twenty cents a mile one way for their necessary travel” and
699 inserting in place thereof the following words:- shall pay all orders drawn upon him in full, for
700 the above purpose and payments made shall be charged to the city or town.

701 **SECTION 70.** Section 162 of said chapter 140 is hereby repealed.

702 **SECTION 71.** Section 163 of said chapter 140, as appearing in the 2008 Official
703 Edition, is hereby amended by striking out, in line 1, the words “aldermen or selectmen” and
704 inserting in place thereof the following words:- mayor, aldermen, or selectmen.

705 **SECTION 72.** Said section 163 of said chapter 140, as so appearing, is hereby further
706 amended by striking out, in line 5, the words “dog fund under section one hundred and sixty-
707 one” and inserting in place thereof the following words:- city or town under section 161.

708 **SECTION 73.** Said section 163 of said chapter 140, as so appearing, is hereby further
709 amended by inserting after the word “kill”, in line 7, the following words:- ,in a humane
710 manner,.

711 **SECTION 74.** Section 164 of said chapter 140, as so appearing, is hereby amended by
712 striking out, in lines 4 and 5, the words “more than twenty-five dollars” and inserting in place
713 thereof the following:- less than \$25.

714 **SECTION 75.** Said section 164 of said chapter 140, as so appearing, is hereby further
715 amended by striking out, in line 5, the word “dog” and inserting in place thereof the following
716 words:- animal control.

717 **SECTION 76.** Said section 164 of said chapter 140, as so appearing, is hereby further
718 amended by inserting after the word “dog”, in line 6, the following words:- ,in a humane
719 manner,.

720 **SECTION 77.** Section 165 of said chapter 140, as so appearing, is hereby amended by
721 striking out, in lines 1 to 5, inclusive, the words, “The county commissioners, except in Suffolk
722 county, shall appoint one and may appoint not more than four suitable persons, all residents of
723 the county, any one of whom shall, at the request of said commissioners or of the chairman of
724 the selectmen or officer of the police designated as provided in section one hundred and sixty-
725 one,” and inserting in place thereof the following words:-A city or town may.

726 **SECTION 78.** Said section 165 of said chapter 140, as so appearing, is hereby further
727 amended by striking out, in lines 6 and 7, the words “commissioners, chairman or officer shall
728 have been informed as provided in said section” and inserting in place thereof the following

729 words:- chairman of the board of selectmen, mayor or officer shall have been informed as
730 provided in section 161.

731 **SECTION 79.** Said section 165 of said chapter 140, as so appearing, is hereby further
732 amended by striking out, in line 16, the word “dog” and inserting in place thereof the following
733 words:- animal control.

734 **SECTION 80.** Said section 165 of said chapter 140, as so appearing, is hereby further
735 amended by striking out, in line 20, the words “county treasurer” and inserting in place thereof
736 the following words:- city or town.

737 **SECTION 81.** Said section 165 of said chapter 140, as so appearing, is hereby further
738 amended by striking out, in lines 20 and 21, the words “and placed to the credit of the dog
739 fund”.

740 **SECTION 82.** Said section 165 of said chapter 140, as so appearing, is hereby further
741 amended by striking out, in lines 21 to 25, inclusive, the words “The county treasurer shall pay
742 out of the dog fund such reasonable compensation as the county commissioners shall allow for
743 services and necessary expenses under this section and the reasonable expense of prosecuting
744 the said actions. The persons appointed hereunder may be removed at any time by the county
745 commissioners.”

746 **SECTION 83.** Section 167 of said chapter 140, as so appearing, is hereby amended by
747 striking out, in lines 1 to 7, the words “aldermen or selectmen may order that all dogs shall be
748 muzzled or restrained from running at large during such time as shall be prescribed by such
749 order. After passing such order and posting a certified copy thereof in two or more public
750 places in the town, or, if a daily newspaper is published in such town, by publishing such copy

751 once in such newspaper; the aldermen or selectmen may issue their warrant to one”, and
752 inserting in place thereof the following:- mayor, aldermen, or selectmen may order that all dogs
753 shall be muzzled or restrained from running at large during such time as shall be prescribed by
754 the order. After passing the order and posting a certified copy thereof in 2 or more public places
755 in the city or town, or, if a daily newspaper is published in the city or town, by publishing a
756 copy once in that newspaper, the mayor, aldermen or selectmen may issue their warrant to 1.

757 **SECTION 84.** Said section 167 of said chapter 140, as so appearing, is hereby further
758 amended by inserting after the word “kill”, in line 8, the following words:- in a humane manner.

759 **SECTION 85.** Said section 167 of said chapter 140, as so appearing, is hereby further
760 amended by striking out, in line 13, the word “ten” and inserting in place thereof the following
761 figure:- 7.

762 **SECTION 86.** Said section 167 of said chapter 140, as so appearing, is hereby further
763 amended by striking out, in lines 14 and 15, the words “of five dollars, together with one dollar
764 and fifty cents” and inserting in place thereof the following words:- determined by the city or
765 town.

766 **SECTION 87.** Said section 167 of said chapter 140, as so appearing, is hereby further
767 amended by striking out, in line 16, the words “of five dollars”.

768 **SECTION 88.** Section 168 of said chapter 140, as so appearing, is hereby amended by
769 striking out, in line 1, the words “aldermen or selectmen” and inserting in place thereof the
770 following words:- aldermen, selectmen or mayor.

771 **SECTION 89.** Said section 168 of said chapter 140, as so appearing, is hereby further
772 amended by striking out, in line 5, the words “more than twenty-five dollars” and inserting in
773 place thereof the following:- less than \$25.

774 **SECTION 90.** Section 169 of said chapter 140, as so appearing, is hereby amended by
775 striking out, in line 1, the word “county,”.

776 **SECTION 91.** Said section 169 of said chapter 140, as so appearing, is hereby further
777 amended by striking out, in lines 3 and 4, the words “more than one hundred dollars” and
778 inserting in place thereof the following:- less than \$100.

779 **SECTION 92.** Said section 169 of said chapter 140, as so appearing, is hereby further
780 amended by striking out, in lines 4 and 5, the words “,except in Suffolk county, into the county
781 treasury” and inserting in place thereof the following words:- to the city or town.

782 **SECTION 93.** Section 170 of said chapter 140 is hereby repealed.

783 **SECTION 94.** Section 171 of said chapter 140, as appearing in the 2008 Official
784 Edition, is hereby amended by striking out, in line 2, the word “county” and inserting in place
785 thereof the following words:- city or town.

786 **SECTION 95.** Said section 171 of said chapter 140, as so appearing, is hereby further
787 amended by striking out, in line 3, the words “county commissioners” and inserting in place
788 thereof the following words:- mayor, aldermen, or selectmen.

789 **SECTION 96.** Said section 171 of said chapter 140, as so appearing, is hereby further
790 amended by striking out, in lines 4 to 10, inclusive, the words “The county treasurer, except as
791 provided in section one hundred and sixty-five, may, and if so ordered by the county

792 commissioners shall, bring such action. In Suffolk county, such owner or keeper shall be liable
793 in like manner to the town for damages so done therein which the aldermen or selectmen have
794 so ordered to be paid; and the town treasurer may, and if so ordered by the aldermen or
795 selectmen shall, bring such action.”

796 **SECTION 97.** Section 172 of said chapter 140 is hereby repealed.

797 **SECTION 98.** Section 173 of said chapter 140, as appearing in the 2008 Official
798 Edition, is hereby amended by inserting after the word “town” ,in line 1, the following words:-
799 or city.

800 **SECTION 99.** Said section 173 of said chapter 140, as so appearing, is hereby further
801 amended by striking out, in line 2, the word “dogs” and inserting in place thereof the following
802 word:- animals.

803 **SECTION 100.** Said section 173 of said chapter 140, as so appearing, is hereby further
804 amended by striking out, in lines 2 and 3, the words “of not more than fifty dollars” and
805 inserting in place thereof the following words:- not less than the minimum nor more than the
806 maximum fines and fees set forth in this chapter.

807 **SECTION 101.** Said section 173 of said chapter 140, as so appearing, is hereby further
808 amended by striking out, in line 4, the word “dogs” and inserting in place thereof following
809 word:- animals.

810 **SECTION 102.** Said section 173 of said chapter 140, as so appearing, is hereby further
811 amended by inserting after the word “town”, in line 4, the following words:- or city.

812 **SECTION 103.** Said section 173 of said chapter 140, as so appearing, is hereby further
813 amended by striking out, in lines 4 to 7, inclusive, the words “, and the annual fee required for a
814 license under section one hundred and thirty-nine shall in no case be more than one dollar in
815 addition to the amount required by said section”.

816 **SECTION 104.** Section 173A of said chapter 140, as so appearing, is hereby amended
817 by striking out, in line 12, the words “twenty-five dollars” and inserting in place thereof the
818 following figure:- \$50.

819 **SECTION 105.** Said section 173A of said chapter 140, as so appearing, is hereby
820 further amended by striking out, in line 14, the words “thirty dollars” and inserting in place
821 thereof the following words:- not less than \$60.

822 **SECTION 106.** Said section 173A of said chapter 140, as so appearing, is hereby
823 further amended by striking out, in lines 16 and 17, the words “fifty dollars” and inserting in
824 place thereof the following figure:- \$100.

825 **SECTION 107.** Said section 173A of said chapter 140, as so appearing, is hereby
826 further amended by striking out, in lines 22 and 23, the words “; provided, however, that no new
827 schedule of fines shall contain a fine in excess of fifty dollars”.

828 **SECTION 108.** Section 174A of said chapter 140, as so appearing, is hereby amended
829 by inserting after the word “dog”, in line 1, the words: - or cat.

830 **SECTION 109.** Said section 174A of said chapter 140, as so appearing, is hereby
831 further amended by striking out, in line 2, the words “in a carbon monoxide chamber” and

832 inserting in place thereof the following words:- by use of a carbon monoxide or carbon dioxide
833 chamber or carbon monoxide or carbon dioxide gas.

834 **SECTION 110.** Said section 174A of said chapter 140, as so appearing, is hereby
835 further amended by striking out, in lines 3 to 7, inclusive, the words “unless such chamber is
836 supplied with gas by an engine or gas generator that will produce a minimum of four per cent
837 concentration of carbon monoxide within five minutes, the gas used is cooled and filtered before
838 entering such chamber, and the temperature of the gas inside such chamber does not exceed a
839 temperature of eight-five degrees Fahrenheit”.

840 **SECTION 111.** Section 174B of said chapter 140, as so appearing, is hereby amended
841 by striking out, in line 4, the word “fifty” and inserting in place thereof the following figure: -
842 \$100.

843 **SECTION 112.** Section 151C of chapter 140 of the General Laws shall not apply to an
844 animal control officer hired on or before the effective date of this act until 1 year from the
845 effective date of this act.

846 **SECTION 113.** Section 2 of chapter 27 of the acts of 2009 is hereby amended by
847 inserting, after item 2511-0100, the following item:-

848 2511-0101 The commissioner of the department of agricultural resources may expend
849 not more than \$500,000 from revenues collected from fees under section 139 of chapter 140 for
850 the purposes of operating an animal control program, and no less than one-third of said revenues
851 collected shall be allocated to operating spay/neuter programs in the commonwealth; provided,
852 that the department shall annually file a report with the house and senate committees on ways
853 and means detailing the manner of expenditures under this item in the preceding fiscal and the

854 amount of funding necessary to operate the animal control program, including spay/neuter
855 programs, in the upcoming fiscal year\$500,000